

STATUS OF CLAIMS

Claims 1, 2, 5-10, 15-16, 18 and 21-22 are pending.

Claims 12-14 & 19-20 are cancelled.

Claims 1, 2, 5-10, 12-16, and 18-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-7, 9-13, 15-24, 28-29, 31-32, 34 of copending application no. 09/387,795.

Claims 1-2, 5-10, 12-16, and 18-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Medl (U.S. Patent No. 6,184,881).

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48

Applicant hereby petitions for the correction of inventorship. At the time of filing, Robert E. Medl was not named as an inventor in the instant application. Upon further consideration and analysis of the application, it has been determined that he contributed to the subject matter claimed in the claims of the present application. His name should be added to the application. He was not included as an inventor by error, without deceptive intent.

Accordingly, Applicant petitions the Commissioner to correct the inventorship of the present patent to show Catherine Christensen, Ricardo Gonzalez, David Hamilton, Daina Pupons Wickham, and Robert E. Medl as the joint inventors.

Further, Applicant attests that no delay in petitioning to correct the inventorship of the application has occurred from the discovery of the error. Applicants' agents have responded to instruction with timely action to correct the error.

The petition fee set forth in 37 C.F.R. 1.17(i) for correction of inventorship is enclosed herewith. A new Declaration in accordance with 37 C.F.R. 1.63 signed by the inventors -Daina Pupons Wickham and Robert E. Medl - is included with this petition. Inventors Catherine

Christensen, Ricardo Gonzalez, David Hamilton are nonsigning inventors as per 37 CFR 1.47

(a). A diligent effort was made to locate and/or obtain signatures for the associated new declaration. First Class mail receipts for nonsigning inventors Catherine Christensen and Ricardo Gonzalez are included herein. David Hamilton received the appropriate forms, but did not return a signed document (last known address 252 Moretti Lane, Milpitas, CA 95035).

Written consent of the assignee to the correction of inventorship is also enclosed.

CLAIM TO PRIORITY UNDER 35 U.S.C. § 120

Applicant hereby claims benefit under 35 U.S.C. § 120 to U.S. Patent No. 6,184,881, entitled (US application number 08/954,852, filed 10/21/97).

Summary:

The present amendment obviates the examiner's rejection of the claims under 35 U.S.C. § 102(e), and reconsideration is respectfully requested in view thereof. Regarding the provisional rejection under the doctrine of double-patenting, Applicant thanks the Examiner for particularly pointing out that this is a provisional rejection. Applicant requests that the Examiner reconsider this provisional rejection when allowable claims have been determined.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0460.

If it is felt that an interview would expedite prosecution of this application, please do not
hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy W. Lacasse". The signature is written in a cursive style with a large, loopy initial "R" and a stylized "L" and "W".

Randy W. Lacasse
Registration No. 34,368

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